

## TITLE XI

### ENVIRONMENTAL

#### Chapter 1. Solid Waste Management

- Section 11-1-1. General provisions.
- Section 11-1-2. Administration.
- Section 11-1-3. Solid waste collection practices.
- Section 11-1-4. Ownership of solid waste.
- Section 11-1-5. Storage of solid waste for commercial collection.
- Section 11-1-6. Service fees.
- Section 11-1-7. Unlawful disposal or burning of solid or hazardous waste on the Reservation.
- Section 11-1-8. Enforcement.
- Section 11-1-9. Injunctive relief.
- Section 11-1-10. Operational standards.
- Section 11-1-11. Recordkeeping, reporting.
- Section 11-1-12. Groundwater monitoring.
- Section 11-1-13. Closure plan.
- Section 11-1-14. Financial assurance.
- Section 11-1-15. Conflict of ordinances.
- Section 11-1-16. Severability.
- Section 11-1-17. Effective date.

(

(

(

**CHAPTER 1. SOLID WASTE MANAGEMENT****Section 11-1-1. General provisions.**

A. *Purpose.* The purpose of the Solid Waste Management Code is to:

- (1) Protect the health and safety of Pueblo members and all other persons within the Reservation;
- (2) Protect the cultural, social and economic stability of residential, agricultural, commercial, industrial and environmentally sensitive lands within the Reservation;
- (3) Protect the religious sites, historical and cultural values and traditions of the Pueblo, the Reservation as a permanent Pueblo homeland, and the aboriginal character of the Reservation; and with this in mind not to import any provisions infringing upon the Pueblo members right to practice its traditions and customs;
- (4) Prevent air, water and land from solid and hazardous waste pollution, including contamination of the Pueblo's aquifers, ground waters, surface waters, drinking water supplies, and all other natural resources;
- (5) Prevent the deterioration of the environment, standard of living, quality of life, welfare and well-being of all persons within the Reservation;
- (6) Provide and promote Pueblo environmental protection and services within the Reservation, and to regulate environmental activities under principles of Pueblo sovereignty;
- (7) Finance, implement, regulate and enforce environmental standards and criteria, orders and permit conditions, and laws and regulations under the Code for the sanitary storage, collection, transportation, and disposal of all solid waste within the Reservation;
- (8) Maintain compliance with the Federal Resource Conservation and Recovery Act of 1976, as amended (RCRA) and the Indian Lands Open Dump Cleanup Act of 1994; and
- (9) Comply with P.O.L.C., Title XV, Law and Order, and title X, chapter 3, Dog and Cat Control.

B. *Policy.* It shall be the policy of the Pueblo to operate, maintain and manage the solid waste management services on the Reservation so that:

- (1) Residents of the community are provided with a high level of services designed to reduce exposure to conditions that could have a negative impact on the physical and environmental health of any individual or the community; and
- (2) The operation, maintenance and management of Pueblo services are carried out through an efficient program and in a financially responsible, cost effective, and self-sufficient manner.

C. *Jurisdiction.* As a federally recognized Tribe pursuant to the Indian Reorganization Act of June 18, 1934 (Indian Reorganization Act, Section 16; Pub. L. 73-838; 48 Stat. 894), and in accordance with the Constitution and Bylaws of the Pueblo of Laguna, as amended, the Pueblo and its Council may establish justice; preserve and protect the Pueblo self-government and the rights of the Pueblo, including land and water rights, liberties, benefits and traditional practices and customs; and protect the common welfare.

D. *Definitions.*

- (1) *Authorized solid waste operator.* For purposes of this chapter and its implementing regulations (appendix D), an "authorized solid waste operator" or "operator" shall be an agency of the Pueblo Government, such as the Pueblo of Laguna Utility Authority, or a commercial entity, which has been licensed by the Pueblo Government to provide solid waste management, handling, transportation, and/or disposal services within the Reservation.
- (2) *Clean waste* also known as "inert engineered fill" means rock or adobe or similar irreducible materials that may form a portion of construction and demolition waste generated through a construction project. The clean waste may include any inert solid that is:
  - (a) Likely to retain its physical and chemical structure under expected conditions of beneficial use;
  - (b) Not a pollution threat to the environment or a fire hazard; and
  - (c) Part of a locally approved end use (erosion control, roads, building sites, or other improvements). Clean wastes include only inert wastes such as soil and rock, uncontaminated concrete (i.e., not contaminated by oil spills, but including fiberglass or steel reinforcing rods embedded in the concrete), brick, glass, ceramics, or other nonhazardous materials. Clean waste also includes residential yard waste. The term "clean waste" does not include fills which contain white goods, machinery and equipment, auto parts, tires, auto shredder waste, drilling mud, industrial or wastewater treatment sludge, wood product wastes, organic, dead animals (and similar waste that can putrefy), or biodegradable wastes. "Clean waste" mixed or commingled with other types of solid waste will be classified as municipal solid waste.
- (3) *Construction and demolition debris* means discarded materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard and lumber from the construction or destruction of a structure. Discarded materials from landscaping including rocks, soils, tree remains and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project. Clean cardboard, paper, plastic, wood and metal scraps from any construction and/or landscape project. Nonconstruction and demolition debris wood scraps. Less than ten (10) percent by volume of other nonhazardous wastes that are generated at construction or demolition projects provided such amounts are consistent with best manage-

ment practices of the industry. Mixing of construction and demolition waste with other types of solid waste will cause it to be classified as other than construction and demolition waste.

- (4) *Hazardous waste.* For purposes of this chapter and its implementing regulations, "hazardous waste" means any waste substance, material, smoke, gas, particulate matter, or combination thereof that: because of its quantity, concentration, or physical, chemical, or infectious characteristics, may either cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness, or pose a substantial present or potential hazard to human health, living organisms, or the environment when improperly handled, treated, stored, transported, or disposed of; or is specifically defined to be hazardous or toxic by the Federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, or the Resource Conservation and Recovery Act (RCRA) of 1976, or Toxic Substance Control Act (TSCA) of 1976 as Acts may be amended from time to time, and by any regulations promulgated hereunder, including, but not limited to, any substance, material, smoke, gas, particulate matter, or combination thereof containing asbestos, petroleum or its byproducts, or polychlorinated biphenyls (PCBs); or is hazardous, toxic, ignitable, reactive, or corrosive as defined by the RCRA of 1976.
- (5) *Indian Lands Open Dump Cleanup Act of 1994 (ILOCDA).* This law was enacted to identify the location of open dumps on Indian Lands and Alaska Native Lands, assess the relative health and environmental hazards posed by such dumps, and provide financial and technical assistance to Indian Pueblo Governments and Alaska Native entities, either directly or by contract, to close such dumps in compliance with applicable federal standards and regulations, or standards promulgated by an Indian Pueblo Government or Alaska Native entity, if such standards are more stringent than the federal standards.
- (6) *Infectious waste.*
  - (a) Laboratory wastes, including, but not limited to, cultures of etiologic agents, which pose a substantial threat to health due to their volume and virulence.
  - (b) Pathologic specimens, including, but not limited to, human or animal tissues, blood elements, excreta, and secretions that contain etiologic agents, and attendant disposable fomites.
  - (c) Surgical specimens, including, but not limited to, human or animal parts and tissues removed surgically, or at autopsy, which in the opinion of the attending physician or veterinarian, contain etiologic agents and attendant disposable fomites.
  - (d) Human dialysis waste materials, including, but not limited to arterial lines and dialysate membranes.
  - (e) Carcasses of animals infected with etiologic agents that may present a substantial hazard to public health if improperly managed.

- (f) Equipment, instruments, utensils, or any other material that is likely to transmit etiologic agents.
  - (g) Any other material that is likely to transmit etiologic agents, or presents a significant danger of infection, because it is contaminated with, or may reasonably be expected to be contaminated with, etiologic agents.
- (7) *Mono-fill landfill* means a landfill designed to accept only a single type of waste, for example, construction and demolition debris.
- (8) *Reservation or Pueblo Lands* means all lands subject to the jurisdiction of the Pueblo, including all land held by the United States in trust for Laguna Pueblo and all lands within the exterior boundaries of the Pueblo of Laguna Reservation or Pueblo grant, regardless of whether the lands are owned in fee, held in trust by the United States for the Pueblo, or otherwise held.
- (9) *Resource Conservation and Recovery Act (RCRA)* means the federal Act passed by the U.S. Congress. In 1965, the Solid Waste Disposal Act was enacted to improve solid waste disposal methods. It was amended in 1970 by the Resource Recovery Act. In 1976, Congress again amended the Solid Waste Disposal Act to create a new program for the management of hazardous waste. The Resource Conservation and Recovery Act (RCRA) established a framework for national programs to achieve environmentally sound management of both hazardous and nonhazardous wastes. RCRA also promotes resource recovery techniques and methods to reduce the generation of hazardous waste. RCRA is designed to:
- (a) Protect human health and the environment;
  - (b) Reduce/eliminate the generation of hazardous wastes; and
  - (c) Conserve energy and natural resources.

The Hazardous and Solid Waste Amendments of 1984 (HSWA) both expanded the scope of RCRA and increased the level of detail in many of its provisions.

- (10) *Solid waste*. For purposes of this chapter and its implementing regulations, "solid waste" is any garbage, trash, or refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial mining, and agricultural operations, and from secular community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. § 1342, or source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954, as amended Title 33 U.S.C. § 1342 (2004).
- (11) *Pueblo Government*. For purposes of this chapter and its implementing regulations, "Pueblo Government" shall mean the Pueblo Council and all persons, agencies and entities, designated and specifically authorized by the Pueblo Council to act on its behalf regarding solid waste on the Reservation.

**Section 11-1-2. Administration.**

A. *Solid waste regulations.* The Pueblo shall adopt rules and regulations, to implement and enforce the provisions and requirements of the Code, including a system of civil fines, sanctions and penalties, for violations of the Code or any rules and regulations promulgated under the Code. All rules and regulations promulgated by the environment and natural resources department shall be submitted to the Council for approval and adoption, before they are enforceable as Pueblo law on the Reservation.

B. *Regulation—Policy suspension/alteration.* Solid waste regulations, adopted by the Council, may not be suspended or altered by any person or entity, without appropriate approval by the Council.

C. *Right to inspect.* The environmental and natural resource department (ENRD) has the right to enter any premises within the Reservation, based on reasonable suspicion, to inspect those premises for noncompliance with the Solid Waste Management Code and its implementing regulations.

D. *Amendments.* The Pueblo Government shall recommend amendments to this chapter and its implementing regulations, as necessary, to promote efficient, cost effective and self-sufficient operation, and shall present such amendments to the Council for approval.

E. *Grievances.* Any customer or applicant for solid waste management services, who is aggrieved by an action of the authorized solid waste operator, may file a grievance with the proper Pueblo Government department such as ENRD. The ENRD shall commence an administrative hearing and shall resolve the grievance to the satisfaction of the aggrieved party or present the grievance to the Pueblo Courts for resolution.

F. *Nonwaiver of sovereign immunity.* The Pueblo shall retain all rights of sovereign immunity. By providing services and entering into service agreements, the Pueblo Government or its designated entities shall not waive the sovereign immunity of the Pueblo or any of its officers, agents, attorneys, or employees, or anyone else acting at the direction of and on behalf of the Pueblo.

**Section 11-1-3. Solid waste collection practices.**

A. *Separate containers.* If required by the Pueblo Government, persons, and other entities on the Reservation that receive solid waste services shall maintain recyclable solid waste materials in separate containers from garbage and other nonrecyclable materials to enable solid waste recycling.

B. *Services.* The Pueblo Government is responsible for providing solid waste services to those residences, businesses and institutions located in the Reservation community.

C. *Mandatory collection services.* Solid waste services provided by the Pueblo Government are provided for all residents of the Reservation, and service fees will be assessed by the Pueblo of Laguna Utility Authority according to the Utility and Solid Waste Services Tariff (2006) and its subsequent amendments and revisions.

D. *Private waste collection services.* Businesses and institutions located within the Reservation may contract for private, commercial waste collection services and shall notify the Pueblo Government of such contracts. Contracts for private, commercial solid waste collection services shall require solid waste collection and management practices that are consistent with the Constitution and Bylaws of the Pueblo, this chapter, its implementing regulations, and all applicable federal and Pueblo policy and guidelines.

E. *Containers.* Authorized solid waste operators shall provide all containers and collection equipment required to provide residential solid waste collection services.

- (1) Persons and other entities receiving solid waste services provided by the Pueblo Government shall use containers provided by the Pueblo of Laguna Utility Authority or any other authorized solid waste operator. Plastic bags are to be used for excess trash.
- (2) Containers shall be maintained so as to prevent the harborage of rodents and vermin.

F. *Infectious and hazardous wastes.*

- (1) *Infectious waste.* Apparel, bedding, solid waste, or other infectious or contagious material from homes, hospitals, nursing homes, or other places where highly infectious or contagious diseases have prevailed shall not be placed in containers for regular collection. The generators of such infectious solid waste shall immediately notify the environmental and natural resources department, which shall provide technical assistance regarding proper collection and disposal of such material, at the expense of the owner or possessor thereof.
- (2) *Hazardous waste.* Hazardous waste shall not be collected, transported, or placed for disposal within the Reservation. If hazardous wastes are generated within those boundaries, the generator shall comply with all applicable Pueblo, local, state and federal laws, policies, and guidelines regarding the generation, transportation, and disposal of hazardous wastes. Hazardous waste material shall not be placed in containers for regular collection and disposal of solid waste. The generators and/or owners of such material shall immediately notify the environmental and natural resources department, which may provide technical assistance regarding the proper collection and disposal of such material at the expense of the owner or possessor thereof.

G. *Frequency of solid waste collection.* The frequency of solid waste collection shall be determined by the authorized solid waste operator(s).

#### **Section 11-1-4. Ownership of solid waste.**

All solid waste generated or brought onto the Reservation is owned by and is the responsibility of the generator, until such time as the waste is deposited at a transfer station or an approved solid waste facility, or removed by a licensed private contractor except where



state or federal requirements prohibit transfer of ownership. A licensed private contractor who removes solid waste from a property shall assume ownership of the waste until it is taken to a transfer station or landfill.

**Section 11-1-5. Storage of solid waste for commercial collection.**

A. *Selection and design of collection points.* Authorized solid waste operators shall designate specific collection locations on the Reservation. Collection locations shall be located to minimize the harborage of nuisance animals, to minimize the odor and litter nuisance, and to protect human health and the environment.

B. *Transfer stations.* An authorized solid waste operator(s) shall be designated by the Pueblo for the operation and maintenance of solid waste transfer stations on the Reservation. Responsibility for maintenance of transfer stations includes providing utilities, security, equipment and site improvements. Transfer stations shall include bulk containers to separate solid wastes, including white goods, construction debris, special and hazardous waste and recyclables, as well as containers for collection of both compacted and noncompacted solid waste. The physical area of the transfer stations shall be adequately sized to provide temporary storage of all solid wastes prior to their transport from the site for recycling or disposal. Operation and maintenance of transfer stations shall be addressed by the solid waste regulations, which supplement this chapter.

C. *Solid waste recycling.* Authorized solid waste operators shall evaluate solid waste to determine materials suitable for recycling and/or salvage. Solid wastes that are suitable for recycling or salvage shall be segregated at the transfer stations and recycled pursuant to contracts with commercial recycling providers or pursuant to regulations, policy, and/or guidance of the Pueblo agency accepting the materials for recycling.

**Section 11-1-6. Service fees.**

A. *Residential service fees.* The Pueblo of Laguna Utility Authority will assess and collect fees according to the Utility and Solid Waste Services Tariff (2006) and its subsequent amendments and revisions.

B. *Tipping fees.* The Pueblo of Laguna Utility Authority may assess and collect tipping fees from residents, governmental programs, and Pueblo or private businesses according to the Utility and Solid Waste Services Tariff (2006) and its subsequent amendments and revisions.

**Section 11-1-7. Unlawful disposal or burning of solid or hazardous waste on the Reservation.**

A. On or after the effective date of this chapter, any landfill or site where solid waste may have previously been placed for disposal within the Reservation is deemed to be permanently closed.

B. *Open dump sites (prohibited)*. It is expressly prohibited and shall be unlawful, for any person to dispose of, or dump, scatter, or place, or cause to be dumped, scattered or placed, any solid waste, as defined under this chapter, including any hazardous waste, as defined under this chapter, at or near an open dump site within the Reservation, or on any other land the Reservation, except as such disposal may be permitted under the Code at an authorized and designated municipal solid waste landfill (MSWLF).

C. *Regulated hazardous waste (prohibited)*. It is expressly prohibited to receive, accept, handle, treat, store, process, dump or dispose of regulated hazardous waste, as defined under the Code, anywhere within the Reservation. Transportation of any regulated hazardous waste within the Reservation must be in full compliance with applicable federal law, or such activity is deemed to be unlawful under this chapter. These prohibitions do not apply to household hazardous waste, which is not a regulated hazardous waste; however the dumping or disposal of household hazardous waste anywhere within the Reservation is prohibited.

D. *Burning waste (prohibited)*. It is expressly prohibited for any person to burn any solid or hazardous waste anywhere within the Reservation, except as the authorized solid waste operator(s) may authorize by rule or regulation, when such burning is not prohibited by federal law.

E. *Unauthorized accumulation (prohibited)*. It shall be unlawful to allow any solid waste to collect or accumulate on any lot or location within the Reservation. Any such unauthorized accumulation or collection is hereby declared to be a nuisance and is prohibited.

F. *Accumulation of construction and demolition debris*. Debris resulting from construction or demolition of structures may be collected within an active construction site, if the solid waste is contained in such a manner that it will not be carried or deposited by wind or weather upon any street, sidewalk, parkway, sewer, ditch, arroyo, stream bed, other public place, vacant lot, or into any premises within the Reservation. Construction and demolition debris may be salvaged, reused, or disposed in accordance with the Policy on Salvaging, Reuse, and Disposal of Construction and Demolition Debris (2002) and its subsequent amendments and revisions.

G. *Burden of proof*. In the event any person's name or other identification is affixed or found on any solid waste illegally placed for disposal on two (2) or more separate items, such evidence shall constitute prima facie evidence and presumptive proof of a violation of this chapter, and the burden of proof to establish a nonviolation of this chapter shall be on the identified person(s). A person who manufactured or offered an item, which is marked with a trade name, for sale to the public, however, is not presumed to have generated the solid waste once the item has been sold.

H. *Accumulation for recycling*. Notwithstanding other provisions of this chapter, any person may accumulate and collect recyclable materials for the purpose of recycling, so long as such material is not visible to the public. Materials accumulated for recycling shall be processed and removed from the site of accumulation at such frequencies and intervals to prevent risks to public health or safety and to prevent nuisance or difficult disposal.

**Section 11-1-8. Enforcement.**

A. *Criminal penalties.* Any person over whom the Pueblo Court can exercise criminal jurisdiction, and who violates any of the provisions of section VII of this chapter, shall, upon conviction in the Pueblo Court, be guilty of a criminal offense, and shall be subject to a fine of not less than one hundred dollars (\$100.00), nor more than five thousand dollars (\$5,000.00), for each day a violation occurs, and may, at the discretion of the Pueblo Court, be subject to imprisonment in the jail of not less than one (1) day, but not more than ninety (90) days, for each day each violation occurs. An alternative sentence may allow such person to be placed on probation, and required by the Pueblo Court to provide not less than forty (40) hours, nor more than two hundred (200) hours of community service.

B. *Civil penalties.* Any person who violates sections I through VI of this chapter is subject to the imposition of civil penalties for such unlawful activities. The Pueblo Government, through the Pueblo Courts, is authorized to file a civil action against such person on behalf of the Pueblo in the Pueblo Court for civil penalties, including reasonable attorney's fees and costs. Any civil action concerning such violation(s) shall be heard in the Pueblo Court, and the alleged violator shall be served and have an opportunity to be heard. Any person who is found by the Pueblo Court to have committed the alleged violation(s) shall be subject to a civil penalty, of not less than one hundred dollars (\$100.00), nor more than fifteen thousand dollars (\$15,000.00) for each day each violation occurs, including reasonable attorney's fees and costs.

C. *Civil damages.* The Pueblo Government, through the Pueblo Court, is authorized to bring a civil action on behalf of the Pueblo or its members, in the Pueblo Court, or any other court of law, against any person who has committed any violation under sections I—VII of this chapter for all civil damages caused, including damages to the land or natural resources of the Pueblo or its members, and for the reasonable costs actually incurred or to be incurred by the Pueblo for cleaning up any solid or hazardous waste, or abating the effects thereof, together with the costs of suit, including reasonable attorney's fees. The Council must approve the filing of any civil action for damages before such action is filed.

D. *Other remedies.* Any Pueblo Law Enforcement Officer is authorized to seize the property of any person who commits and is charged with the criminal violation of any of the provisions of section VII of this chapter if such property while used in the commission of such offense(s) is located on the Reservation. Likewise, any Pueblo Law Enforcement Officer is authorized to seize the property of any person who commits any civil violation of any of the provisions of sections I—VII of this chapter, if such property while used in the commission of such offense(s) is located on the Reservation. Such property shall be seized as security for the payment of any civil penalties or damages and such property is subject to forfeiture to the Pueblo for payment of any civil penalties or damages.

**Section 11-1-9. Injunctive relief.**

The placement of solid waste which causes a nuisance or creates a potential or actual health or safety hazard, shall be deemed or declared a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by the Pueblo Court.

**Section 11-1-10. Operational standards.**

A. *Transfer stations.* Transfer stations shall be maintained and operated in accordance with applicable regulations in accordance with other applicable Pueblo and federal law, policy and guidelines.

B. *Municipal solid waste landfill (MSWLF).* (Reserved.)

C. *Mono-fill landfill.* Mono-fill landfills shall be located, operated and closed in accordance with applicable provisions of the Policy on Salvaging, Reuse and Disposal of Construction and Demolition Debris (2002 and subsequent amendments and revisions).

**Section 11-1-11. Recordkeeping, reporting.**

Authorized solid waste operators shall maintain records regarding the management, handling, and transport of solid waste on the Reservation.

**Section 11-1-12. Groundwater monitoring.**

A. *Transfer station.* No groundwater monitoring is required for transfer stations.

B. *MSWLF.* (Reserved.)

C. *Mono-fill landfill.* No groundwater monitoring is required for mono-fill landfill.

**Section 11-1-13. Closure plan.**

A. *Transfer station.* No closure plan is required for transfer stations.

B. *MSWLF.* (Reserved.)

C. *Mono-fill landfill.* Comply with RCRA requirements for landfills in remote and dry areas.

**Section 11-1-14. Financial assurance.**

A. *Transfer station.* No financial assurance is required for a transfer station.

B. *MSWLF.* (Reserved.)

C. *Mono-fill landfill.* No financial assurance is required for a mono-fill landfill on Pueblo Land.

**Section 11-1-15. Conflict of ordinances.**

In any case where a provision of this chapter is found to conflict with a provision of any zoning, building, plumbing, fire, safety or health ordinance or code effective within the Reservation, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

**Section 11-1-16. Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this chapter is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this chapter.

**Section 11-1-17. Effective date.**

The Solid Waste Management Code is effective on the date written below.

A. Effective date \_\_\_\_\_.

(

(

(

## ENVIRONMENTAL

### TITLE XI HISTORY

**Title XI, Chapter 1, Solid Waste Management, was enacted by Resolution on January 27, 2009.**

**Resolution No. 06-09 reads as follows:**

WHEREAS, the Pueblo of Laguna Constitution Article IV, Section 2(e) authorizes the Pueblo Council to establish laws that govern the conduct and civil relations of the residents of the Pueblo of Laguna; and

WHEREAS, the Pueblo of Laguna Council promotes and maintains an interest to preserve and protect the natural environment within the exterior boundaries of the Pueblo which is consistent with the overall priority of preserving the health and welfare of the Pueblo; and

WHEREAS, the Laguna Environmental and Natural Resources Department assigns a division of its services for the protection of our environment including the monitoring and cleaning of illegal dumping from the people within our communities as well as the neighboring communities that are near or within our Pueblo boundaries; and

WHEREAS, the Pueblo of Laguna Council recognizes the need to protect our environment and prohibit any activity that is a detriment to the environment and its natural resources; and

WHEREAS, the Laguna Environmental and Natural Resources Department has partnered with the Office of the Prosecutor to help review and compose enforcement provisions that will prohibit any activity that will harm the Pueblo of Laguna's environment and natural resources; and

WHEREAS, the Pueblo of Laguna Solid Waste Code will govern the pick up and removal of solid waste within our communities, designate a system for both residential, tribal, and private operations to follow, and prohibit illegal activity that harms the environment and penalize those offenders in the Laguna Tribal Court; and

WHEREAS, the Laguna Environmental and Natural Resources Department and the Office of the Prosecutor proffers a set of regulations to help administer the Solid Waste Code that will preserve and protect the traditions and customs of the Pueblo.

NOW, THEREFORE, BE IT RESOLVED that the Pueblo of Laguna enact the Solid Waste Code and its accompanying regulations to protect the health and welfare of the Pueblo, the environment of the Pueblo, and the natural resources of the Pueblo; and

AND BE IT FURTHER RESOLVED, that the Laguna Environmental and Natural Resources Division and the Office of the Prosecutor compose Solid Waste Code regulations to administer this law consistent with traditions and customs of the Pueblo of Laguna and promulgate these regulations on a yearly basis.

(

(

(